

Atty. Docket No. RSW920000128US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of: Renee M. Kovales, et al

Serial No.: 09/782,773

Filed: 02/13/2001

OFFICE OF PETITIONS

For: Selectable Audio and Mixed Background Sound for Voice Messaging System

Art Unit: 2645

Commissioner for Patents

Office of Petitions

P.O. Box 1450

Alexandria, VA 22313

Attention: Steven Brently

Phone: 703-305-8380

Fax: 703-305-8755

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following papers are being facsimile transmitted to the Patent and Trademark Office at 703-305-8755 on the date shown below: (5 pages including cover sheet)

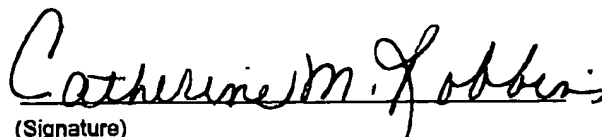
1. Petition to the Commissioner (In duplicate) (4 pages)

If you need anything further, please let me know.

Date: July 31, 2003

Catherine M. Robbins (919-543-9294)

(Name of person signing certification)


(Signature)

8/5

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

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|---------------------------------|---|---------------------------|
| In re application of | : | July 31, 2003 |
| Renee M. Kovales, et al | : | IBM Corporation |
| Ser. 09/782,773 | : | Dept.T81/Bldg. 062 |
| Filed: 02/13/2001 | : | P.O. Box 12195 |
| For: Selectable Audio and Mixed | : | Res. Tri. Park, NC 27709 |
| Background Sound for Voice | : | Art Unit: 2645 |
| Messaging System | : | Examiner: Scott L. Weaver |

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PETITION TO THE COMMISSIONER UNDER §1.181

Commissioner for Patents
Office of Petitions
Attention: Steven Brently
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

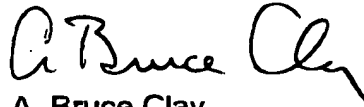
In reference to the above identified patent application and in accordance with a telephone conference between Mr. Steven Brently and the undersigned, the Request for Continued Examination (RCE) filed on June 30, 2003 is to be deleted/abandoned. The RCE was submitted erroneously, as the prosecution in the parent application had not been and is not now closed. A continuing application under 37 CFR 1.53(b), which should have been filed rather than the RCE, has been subsequently submitted.

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It is requested that the filing fee submitted with the RCE be refunded to the deposit account number 09-0461.

We do not believe a fee is necessary with this Petition, however, if there is a fee due, the Commissioner is hereby authorized to charge said fee to deposit account 09-0461.

Respectfully submitted,



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